

CHAPTER 65
DISCIPLINARY PROCEDURES FOR COSMETOLOGY
ARTS AND SCIENCES LICENSEES

[Prior to 7/29/87, Health Department[470] Ch 151]

[Prior to IAC 12/23/92, see 645—Chapter 62]

645—65.1(272C) Discipline. For all acts and offenses listed in this rule, the board may impose any of the disciplinary methods outlined in Iowa Code section 272C.3(2) “a” to “f,” including the imposition of a civil penalty which shall not exceed \$1,000. The board may discipline a licensee for any of the following reasons:

65.1(1) All grounds listed in Iowa Code section 147.55 which are:

a. Fraud in procuring a license.

b. Professional incompetency:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the licensee’s practice; or

(2) A willful or repeated departure from, or the failure to conform to the minimal standard of, accepted or prevailing practice.

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

d. Habitual intoxication or addiction to the use of drugs.

e. Conviction of a felony related to the profession or occupation of the licensee or the conviction of a felony that would affect the licensee’s ability to practice within a profession which includes, but is not limited to, a felonious act which is so contrary to honesty, justice or good morals and so reprehensible as to violate the public confidence and trust imposed upon the licensee.

f. Fraud in representations as to skill or ability.

g. Use of untruthful or improbable statements in advertisements.

h. Willful or repeated violations of the provisions of Iowa Code chapter 147.

65.1(2) Violation of the rules promulgated by the board.

65.1(3) Violation of the terms of a decision and order issued by the board.

65.1(4) Violation of the terms of a settlement agreement entered into and issued by the board.

65.1(5) Personal disqualifications:

a. Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

b. Involuntary commitment for the treatment of mental illness, drug addiction or alcoholism.

65.1(6) Practicing the profession while the license is under suspension, lapsed or delinquent for any reason.

65.1(7) Suspension or revocation of license by another state.

65.1(8) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

65.1(9) Prohibited acts consisting of the following:

a. Permitting an unlicensed employee or person under the licensee’s control to perform activities requiring a license.

b. Permitting another person to use the licensee’s license for any other purpose.

c. Practice outside the scope of a license.

- d.* Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.
- e.* Verbally or physically abusing clients.
- f.* Permitting a licensed person under the licensee's control to practice outside the scope of the person's license.

65.1(10) Unethical business practices, consisting of any of the following:

- a.* False or misleading advertising.
- b.* Betrayal of a professional confidence.
- c.* Promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service (directing or requiring an individual to purchase or secure a drug, device, treatment, procedure, or service from a person, place, facility, or business in which the licensee has a financial interest).

65.1(11) Failure to report a change of name or mailing address.

65.1(12) Failure to submit continuing education certificate with license renewal by March 31 of renewal year.

65.1(13) Failure to complete the required continuing education within the compliance period.

65.1(14) Submission of a false report of continuing education, or failure to submit the annual report of continuing education.

65.1(15) Failure to return, by ordinary mail, to the department the salon license within 30 days of discontinuance of business under that license.

65.1(16) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

65.1(17) Failure to comply with a subpoena issued by the board.

65.1(18) Failure to report to the board any violation by another licensee of the reasons for a disciplinary action as listed in this rule.

65.1(19) Performing any of those practices coming within the jurisdiction of the board pursuant to Iowa Code chapter 157 with or without compensation in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in Iowa Code section 158.1 except that a licensee may practice at a location which is not a licensed salon or school of cosmetology arts and sciences under extenuating circumstances arising from physical or mental disability or death of a customer.

This rule is intended to implement Iowa Code sections 21.7, 272C.4, 272C.5, and 272C.6.

645—65.2 to 65.11 Reserved.

645—65.12(272C) Discipline. Renumbered as 645—65.1(272C), IAB 2/21/01.

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CHAPTER 66**AGENCY PROCEDURE FOR RULE MAKING**

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CHAPTER 67**PETITIONS FOR RULE MAKING**

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 68**DECLARATORY RULINGS**

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 69**PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES**

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 70**CHILD SUPPORT NONCOMPLIANCE**

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 71**IMPAIRED PRACTITIONER REVIEW COMMITTEE**

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTERS 72 to 78

Reserved

CHAPTER 79**BOARD OF DIETETIC EXAMINERS**

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[Prior to 9/19/01, see 645—Chapter 80]

Rescinded IAB 6/26/02, effective 7/31/02